

### REMARKS

The Examiner is thanked for the performance of a thorough search. By this amendment, Claims 2-7, 9-23, and 25 have been amended, and claims 27-39 have been newly added. Hence, Claims 1-34 are pending in this application. The amendments to the claims and the new claims do not add any new matter to this application. Furthermore, the amendments to the claims were made to improve the readability and clarity of the claims and not for any reason related to patentability. All issues raised in the Office Action mailed March 6, 2007 are addressed hereinafter.

#### OBJECTION TO CLAIM 2 UNDER 37 C.F.R §1.75

The Office Action objects to claim 2 for being a substantial duplicate of claim 1 (Office Action, page 2, section 1). This objection is erroneous. Claim 1 recites, inter alia, “receiving user input specifying an operation to perform on the cluster as a whole”. Meanwhile, claim 2 recites, inter alia, “specifying a configuration command for the cluster”. These are not the same. An operation to perform is not necessarily the same as a configuration command.

Similarly, claim 1 recites, inter alia, “automatically performing the operation on **one or more** of the active routers” (emphasis added). Meanwhile, claim 1 recites, inter alia, “automatically communicating a configuration command to **each** active router” (emphasis added). Again, these two are not the same. The first recites one or more, while the second recites each.

For at least the above reasons, the rejection of claim 2 under 37 C.F.R §1.75 is erroneous and should be withdrawn.

## OBJECTION TO CLAIMS 2-23 FOR INFORMALITIES

The Office Action objects to claims 2-23 and 25 for having various informalities (Office Action, page 2, section 1). In response, claims 2-7, 9-23, and 25 were amended. Although claim 8 was included in this list, no informality was identified, and no amendment was made thereto.

## REJECTION OF CLAIMS 11-26 UNDER 35 U.S.C. § 101

Claims 11-26 were rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter (Office Action, page 6, section 3). In response, claim 11 was amended as shown below.

11. A method of providing a single console control point for a network device cluster, the method comprising the computer-implemented steps of:  
receiving first user input in a user interface (UI) that identifies a first switch device and a second switch device for the cluster;  
receiving second user input in the UI that identifies a plurality of network elements for a router stack of the cluster;  
receiving third user input in the UI that defines at least one first connection of the first switch device in association with at least one network element in the stack, and at least one second connection of the second switch device in association with the at least one network element in the stack; and  
**storing the first, second, and third user input in a cluster object that programmatically represents the cluster.** (emphasis added)

Specifically, the last step now recites storing, where previously it recited associating.. For at least these reasons, the rejection of claim 11 under 35 USC 101 can now be withdrawn, along with the ensuing rejection of claims 12-23 (Office Action, page 7, 3<sup>rd</sup> paragraph).

The rejection of claim 24 (Office Action, page 7, 4<sup>th</sup> paragraph) uses a type of short-hand mischaracterization of that claim, leaving out various elements. The rejection states “there is no result of the system claimed; a first user input, a second user input, a third user input, and an execute mechanism [sic] does not result in any real world change as it does not create a tangible result specifying an output or a stored result”. (Office Action, page 7, 4th paragraph).

Applicant is not claiming only a “first user input, a second user input, a third user input, and an execute mechanism”. That is an oversimplification of claim 24, which also recites, inter

alia, a first user input **that identifies a plurality of switch devices in a logical stack object that represents the network device cluster**; a second user input **that identifies a plurality of network elements in the network device cluster**; and a third user input that associates at least one switch device from the plurality of switch devices with at least one network element from the plurality of network elements; and an execute mechanism for causing re-provisioning of real network elements that are represented by the logical stack object.

Nonetheless, both claims 24 and 26 were amended to explicitly recite some type of storage in memory. Consequently, the rejection of claims 24 and 26, as well as all claims dependent therefrom, can now be withdrawn.

#### REJECTION OF CLAIMS 1-6, AND 26 UNDER 35 U.S.C. § 102(b)

Claims 1-6 and 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Baskey. It is respectfully submitted that Claims 1-26 are patentable over Baskey for at least the reasons provided hereinafter.

#### CLAIM 1

1. (original) A method of providing a single console control point for a network device cluster, wherein the cluster comprises a **first switch device**, a plurality of active routers, one or more standby routers, and a **second switch device**, the method comprising the computer-implemented steps of:  
receiving user input specifying an operation to perform **on the cluster as a whole**; and  
automatically performing the specified operation on one or more of the active routers in the cluster by transforming the specified operation into one or more device-specific operations for each of the one or more active routers.  
(emphasis added)

Claims 1 and 26 recite one or more features that are not taught or suggested by Baskey. For example, as shown above, Claim 1 requires that a cluster comprise at least first and second switch devices. Claim 26 also recites this. Such features are neither shown nor suggested by

Baskey, which does not make any reference to a network switch. Although Baskey describes “switching” and a “switch-over” process, this is only in reference to routers being moved from backup to active state, and vice-versa.

Meanwhile, Applicant’s specification defines a switch as “having numerous logical connections within a . . . network element” which, in the event of failure of a network device, can require time-consuming reconfiguration (Applicant’s Specification, paragraph 4). Some examples of switches as the term is used by Applicant can include a metro ATM switch, or an Ethernet switch (Applicant’s Specification, paragraph 7). Examples of ATM switches can include the LS1010, Catalyst 8510, and Catalyst 8540 from Cisco Systems, while examples of Ethernet switches can include the 2948G and 3500XL from Cisco Systems (Applicant’s Specification, paragraph 7).

It is well-settled that anticipation under 35 U.S.C. §102 is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 U.S.P.Q. (BNA) 385, 388 (Fed. Cir.). Because Baskey does not describe switches whatsoever, Baskey cannot anticipate or suggest the claimed switches.

Moreover, Baskey cannot anticipate the claimed cluster as a whole, because that cluster contains switches. Further, Baskey can not anticipate performing the step of receiving user input specifying an operation to perform on the cluster as a whole. In support of this rejection, the Office Action defines a cluster as a “group of two or more network applications that behave as one”. (Office Action, bottom page 8, beginning page 9). However, such a definition omits switches entirely, and is also in direct contradiction with the language of claim 1, which explicitly defines how Applicant intends to construe the meaning of the term “cluster”. (Claim 1, lines 2-3). It is not permissible for an Office Action to redefine the meaning of Applicant’s claimed terms in direct contradiction with the expressed language of Applicant’s claims.

For at least the above reasons, the rejection of claims 1 and 26 under 35 U.S.C. § 102(a) should be withdrawn. Claims 2-6 all depend from Claim 1 and include all of the features of Claim 1. It is therefore respectfully submitted that Claims 2-6 are patentable over Baskey for at least the reasons set forth herein with respect to Claim 1. Furthermore, it is respectfully submitted that Claims 2-6 recite additional limitations that independently render them patentable over Baskey.

REJECTION OF CLAIMS 8-11, 17, 19-22, AND 24 UNDER 35 U.S.C. § 102(b)

Claims 8-11, 17, 19-22 and 24 were rejected under 35 U.S.C. § 102(b) as being anticipated by HP Openview (HP) (Office Action, page 11, section 6). It is respectfully submitted that claims 8-11, 17, 19-22 and 24 are patentable over HP for at least the reasons provided hereinafter.

CLAIM 8

8. (original) A method of providing a single console control point for a network device cluster, wherein the **cluster** comprises a **first switch device**, a **stack** consisting of **one or more active routers and one or more standby routers**, and a **second switch device**, the method comprising the computer-implemented steps of:

receiving first user input requesting an operational overview of the cluster;  
and

generating and displaying an operational overview of the cluster, wherein the operational overview comprises a status indicator, connection information, failed device information, and a first access icon for accessing information about the stack. (emphasis added)

Claims 8, 11, and 24 recite one or more features that are not taught or suggested by HP. For example, as shown above, Claim 8 requires that a cluster comprise at least first and second switch devices, one or more active routers, and one or more standby routers. Claim 11 also recites first and second switch devices, and claim 26 recites at least first and second switch devices, one or more active routers, and one or more standby routers.

Such features are neither shown nor suggested by HP, which does not make any reference to a cluster, network switch, or router whatsoever. In fact, no portion of the HP reference furnished to Applicant with the Office Action anywhere mention the word router, in any context. Additionally, the HP document furnished to Applicant is incomplete, at it ends on page 80 although the table of contents suggests the HP document is at least 261 pages long.

The Office Action cites HP page 34, lines 13-14 as anticipating part of the above claim. However, these lines merely state “submaps are typically organized hierarchically to show an increasing level of detail”. It is unclear how this relates to any of claim 8, 11, 24, or any part of Applicant’s invention. In rejecting a claim, the grounds of that rejection must be fully and clearly stated. *See* MPEP § 707.07(d).

Similarly, the Office Action cites HP pages 41-43 and tables 2-1 and 2-2 as anticipating the claimed step of “receiving a first user input requesting an operational overview of the cluster”. However, these pages of HP are largely directed at various commands that can be entered using a command line interface. There is no discussion whatsoever of clusters, network switches, or routers, as claimed. As stated in RCA Corp., it is well-settled that anticipation under 35 U.S.C. §102 is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention. Because HP does not describe switches whatsoever, HP cannot anticipate or suggest the claimed switches. Moreover, HP cannot anticipate the claimed cluster, because that cluster contains switches.

For at least the above reasons, the rejection of claims 8, 11, and 24 under 35 U.S.C. §102(b) should be withdrawn. Additionally, claims 9, 10, 17, and 19-22 all depend from either claims 8 or 11, and thus include all of their features. It is therefore respectfully submitted that claims 9, 10, 17, and 19-22 are patentable over HP for at least the reasons set forth herein with respect to claims 8 and 11. Furthermore, it is respectfully submitted that claims 9, 10, 17, and 19-22 recite additional limitations that independently render them patentable over HP.

REJECTION OF CLAIMS 1-7 and 26 UNDER 35 U.S.C. § 102(e)

Claims 1-7 and 26 were rejected under 35 U.S.C. § 102(e) as being anticipated by Mittal (Office Action, page 16, section 8). It is respectfully submitted that claims 1-7 and 26 are patentable over Mittal for at least the reasons provided hereinafter.

As described herein, claims 1 and 26 both recite first and second switch devices, a plurality of active routers, and one or more standby routers. Such features are neither shown nor suggested by Mittal, which does not make any reference to network switches, and uses the terms router and also cluster in an entirely different context than Applicant. The Office Action again conveniently redefines the term cluster to conform to Mittal's definition ("cluster refers to a group of nodes configured to act as a single node", Office Action, page 17, lines 2-3), despite the fact that Applicant explicitly discloses and claims otherwise. Thus, the Office Action's interpretation of the term cluster is defective, and invalid. As stated in RCA Corp., it is well-settled that anticipation under 35 U.S.C. §102 is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention. Because Mittal describes clusters in a way that is contradictory to how the term is defined and claimed by Applicant, Mittal cannot anticipate or suggest the claimed clusters, so that the rejection under 35 U.S.C. §102 is defective.

Additionally, the routers shown in Mittal are not described as being grouped, designated, or in any way categorized as being separated into active and standby, again as claimed. Thus, the routers of Mittal fail to have a key characteristic explicitly recited in claims 1-7 and 26. Again, because the routers of Mittal lack a key characteristic relating to how the term is defined and claimed by Applicant, Mittal cannot anticipate or suggest the claimed routers, so that the §102 rejection is again defective.

The Office Action cites Mittal's column 2, lines 41-46 and FIG. 1 as anticipating the claimed step of "receiving user input specifying an operation to perform on the cluster as a

whole". However, this cited section states only that the cluster stays alive during a reboot, and goes on to provide other details about a rebooting process. Claims 1-7 and 26 do not recite rebooting of a cluster, so that the cited section of Mittal is irrelevant to these claims.

For at least the above reasons, the rejection of claims 1 and 26 under 35 U.S.C. § 102(b) should be withdrawn. Additionally, claims 2-6 all depend from claim 1, and thus include all of its features. It is therefore respectfully submitted that claims 2-6 are patentable over Mittal for at least the reasons set forth herein with respect to claim 1. Furthermore, it is respectfully submitted that claims 2-6 recite additional limitations that independently render them patentable over Mittal.

### CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

If any applicable fee is missing or insufficient, the Director is hereby authorized to charge any applicable fee to our Deposit Account No. 50-1302.

Respectfully submitted,

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